

Decision for dispute CAC-UDRP-104300

Case number CAC-UDRP-104300

Time of filing 2022-01-28 09:45:33

Domain names hitachi-aloka.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization Hitachi, Ltd.

Complainant representative

Organization RODENBAUGH LAW

Respondent

Name Ramesh Jog

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns several registered trademarks for HITACHI, including USPTO Reg. No. 0701266, registered on July 19, 1960 and for ALOKA, including USPTO Reg. No.1036653, registered on March 30, 1976.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

Founded in 1910, the Complainant Hitachi, Ltd. is a Japanese multinational company that, together with hundreds of subsidiaries, offers innovative, world class consumer, business, government products and services around the world, ranging from telecommunications and infrastructure solutions to construction machinery and electronic systems and equipment.

Until a few years ago the Complainant owned companies in the medical and healthcare industries including Hitachi Aloka Medical, Ltd. and Hitachi Aloka Medical America, Inc. Those companies no longer exist.

Through longstanding and exclusive use, the HITACHI mark is famous throughout the world. The Complainant's group also

invested time and money to register "ALOKA" for its commercial operations in relation to the medical industry.

The disputed domain name was registered on May 28, 2021. It resolves to a website purporting to have been created at least 6 years ago providing various articles related to healthcare and claiming that the articles are written with the assistance of medical experts.

The use of the name Hitachi-Aloka for the Respondent's website is only to take unfair advantage of the Complainant's famous name and trademarks and constitutes passing off and/or free riding. The Respondent does not have, and never has had, the Complainant's permission to use the HITACHI and ALOKA trademarks in such manner or at all.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name <HITASHI-ALOKA.COM>, is confusingly similar to both the Complainant's famous HITASHI trademark and to its ALOKA trademark.

In light of the Complainant's submissions and supporting evidence and in the absence of any response, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the domain name, which was registered in bad faith by the Respondent with full knowledge of the Complainant's marks. Further, the use of the domain name to resolve to a website falsely claiming to have been established over 6 years ago and dealing with healthcare topics is a clear attempt to trade off the reputation of the Complainant in the healthcare sector. Accordingly the Panel finds that the Respondent's use of the domain name constitutes use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **HITACHI-ALOKA.COM: Transferred**

PANELLISTS

Name	Mr. Alan Lawrence Limbury
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DATE OF PANEL DECISION: 2022-02-27

DATE OF PANEL DECISION: - - - - -

Publish the Decision
